

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AARON ROMERO,

Plaintiff,

v.

CV 14-640 MV/WPL

UNITED STATES OF AMERICA,
JOHN R. CASTLEBERRY, Special Agent –
Drug Enforcement Administration, in his individual capacity,
PATRICIA G. WHELAN a.k.a. PATRICIA YAZZIE a.k.a. TRISH YAZZIE,
Special Agent – Drug Enforcement Administration, in her individual capacity,
MATTHEW B. MAYFIELD, Group Supervisor (GS) –
Drug Enforcement Administration, in his individual capacity,
RAYMOND “KEITH” BROWN, Assistant Special Agent in Charge (ASAC) –
Drug Enforcement Administration, in his individual capacity, and
JOSEPH M. ARABIT, Special Agent in Charge (SAC) –
Drug Enforcement Administration, in his individual capacity,

Defendants.

**ORDER GRANTING MOTION TO EXTEND TIME TO ANSWER AMENDED
COMPLAINT**

This matter is before me on the Defendants’ Opposed Motion for Extension of Time to Answer Amended Complaint. (Doc. 32.) Plaintiff Aaron Romero filed a response. (Doc. 33.) Defendants assert that the United States is due to answer the amended complaint on November 3, 2014, and that the individual-capacity defendants’ answers are due on November 17, 2014.¹ The Defendants request an extension until January 9, 2015, to file their answers. Given the circumstances discussed below, I find good cause to grant Defendants’ request for an extension of time to answer the amended complaint.

¹ Pursuant to Fed. R. Civ. P. 12(a)(2), (3), all Defendants’ answers are due on Tuesday, December 9, 2014.

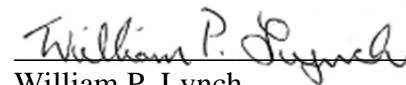
Under 28 C.F.R. § 50.15, a federal employee sued in his or her individual capacity may be provided representation by Department of Justice attorneys or by private counsel furnished by the Department of Justice when those employees are sued for actions that reasonably appear to have been performed within the scope of their employment. The process for obtaining representation under this provision can be quite lengthy. *See Davis v. Holder*, No. 12-CV-02122-REB-KMT, 2013 WL 870270, at *1 (D. Colo. Mar. 8, 2013) (unpublished).

In opposition to the motion, Romero notes that Fed. R. Civ. P. 6(b) governs when a court may extend the time to file a document with a set number of days for filing, such as an answer. Rule 6(b) states that a court may extend the time “for good cause.” Romero argues that “good cause” does not exist because the Defendants were on notice of his claims beginning with an administrative complaint filed in November 2013.

Being “on notice” of a claim and filing an answer to a complaint are qualitatively different propositions. The Defendants moved for an extension before the answer deadline and make a compelling argument. Given that the individual-capacity defendants have just been granted leave to find private counsel, and recognizing that finding counsel and getting them up to speed will take time, the Defendants’ motion to extend is well taken.

Accordingly, Defendants’ motion (Doc. 32) is GRANTED. The Defendants have until **January 9, 2015**, to file answers to the amended complaint.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.